IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.6166 OF 2005

Ajaykumar Devnarayan Tiwari & Ors. ...Applicants
vs.
The State of Maharashtra ...Respondent

Mr.Ganesh Gole for the Applicants
Ms M.H.Mhatre,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : SEPTEMBER 22,2005

P.C.:

1. Heard Advocate for the Applicants and the learned A.P.P. for state. The Applicant No.1 is the husband of the deceased and the Applicant No.2 is mother-in-law of the deceased. The offence has been registered under sections 498-A, 306 read with Section 34 of the Indian Penal Code.

2. The submission of the learned Advocate for the Applicants is that the other accused have been granted anticipatory bail. In the F.I.R., there is a specific allegation against the Applicants as regards the demand made by them. The second contention is regarding delay in lodging the F.I.R. The suicide was committed on 28th August 2005 and the F.I.R. is filed on 31st August 2005 by the brother of the deceased.

3. The delay in filing the F.I.R. is explained in the F.I.R. itself. The brother of the deceased is a resident of Uttar Pradesh and he has stated in the F.I.R. that he was not

informed about the suicide committed by the deceased.

4. Gravity of allegation and need for custodial interrogation are the only factors which are required to be considered while deciding the application for grant of anticipatory bail. Considering the gravity of allegations, it is obvious that custodial interrogation of the Applicant will be required. Hence Application is rejected.

5. At this stage, the learned Counsel for the applicants seeks time to surrender. Time up to 27th September 2005 is granted to the Applicants to surrender before the Investigating Officer.

JUDGE